

types of payment systems under Medicare, Medicaid, and the Maternal and Child Health programs.

*I have directed the Secretary of Health, Education, and Welfare to begin immediately extensive tests of incentives designed to reduce the cost of medical care.*

First, we must explore ways to prevent unnecessary hospitalization. Our experience in Medicare can serve as a guideline. Under that plan, hospital stays are limited to periods which are clearly necessary, and payments are provided for other less expensive types of care which serve the patient equally well: outpatient clinic service, home treatment, nursing home care. We can also draw on the experience of new private prepaid comprehensive plans featuring incentives designed to reduce unnecessary hospitalization.

Second, we must test incentives designed to control the cost of hospital care itself. The Health Manpower Commission reported that costs among some of the Nation's best hospitals vary by as much as 100%, without significant differences in quality or scope of services. This shows that savings in hospital costs can be achieved. We must find ways to encourage efficiency and penalize waste.

These tests will call for the cooperation of doctors, hospitals and insurance companies.

They will be the pioneer efforts. If they are successful—and if they can be applied on a broad basis—they will hold much promise for the American people.

*I recommend that the Congress authorize the Secretary of Health, Education, and Welfare, under Medicare, Medicaid, and the Maternal and Child Health programs, to employ new methods of payment as they prove effective in providing high quality medical care more efficiently and at lower cost.*

It is appropriate that the Government—which pays more than 20% of the nation's medical bill—take the lead in stemming soaring medical care costs.

But this can be only part of the effort. Ultimate success will depend on the ingenuity of our health profession and institutions, and the insurance systems allied with them.

The rewards of success—and the penalties of inaction—demand a dedicated effort by all. Unless the cost spiral is stopped, the Nation's health bill could reach a staggering \$100 billion by 1975. The cost of providing adequate medical care to a family could double.

#### THE COST OF DRUGS

Beyond this, we must make certain that the American taxpayer does not pay needlessly high and exorbitant prices for prescription drugs used in Federally-supported programs.

Recent surveys have shown, for instance, that 12 drugs of the same type range in retail price from \$1.25 to \$11 for 30 tablets. The taxpayer should not be forced to pay \$11 if the \$1.25 drug is equally effective. To do this would permit robbery of private citizens with public approval.

*I recommend that the Congress authorize the Secretary of Health, Education, and Welfare to establish a reasonable cost range to govern reimburse-*

*ment for drugs now provided under Medicare, Medicaid and the Maternal and Child Health programs.*

This payment method will apply in all parts of these programs, except in those cases where hospitals and other health care institutions have established effective and reliable systems for cost and quality control.

The physician will be free to select more expensive drugs of the same quality and effectiveness, if he chooses, but reimbursement will be limited to the payment range established by the Secretary.

#### TO PROTECT THE AMERICAN PATIENT

The wide array of medication available to the American patient is a tribute to modern science.

But the very abundance of drugs creates problems.

In our society, we normally demand that the consumer be given sufficient information to make choice between products. But when the consumer is a patient, he must rely exclusively on his doctor's choice of the drug that can best treat his condition.

Yet the doctor is not always in a position to make a fully informed judgment. He has no complete, readily available source of information about the thousands of drugs now available.

He must nonetheless make a decision affecting the health, and perhaps the life, of his patient.

To make sure that doctors have accurate, reliable and complete information on the drugs which are available, *I recommend that the Congress authorize this year publication of a United States Compendium of Drugs.*

This Compendium would be prepared by the Secretary of Health, Education, and Welfare, in cooperation with pharmaceutical manufacturers, who would bear the cost of its publication, and with physicians and pharmacists.

It will give every doctor, pharmacy, hospital, and other health care institution complete and accurate information about prescription drugs—use and dosage, warnings, manufacturer, generic and brand names, and facts about their safety and effectiveness.

#### THE TRAGEDY OF ACCIDENTS

More than 630,000 Americans died in accidents in the last six years.

This is a tragedy heightened by the fact that much of it is senseless and unnecessary.

Thousands of deaths will be prevented under the Highway and Traffic Safety laws passed by the Congress in 1966. Thousands more can be prevented by prompt medical attention.

The needed medical services are often available. But because of an inadequate rescue system, the victim dies before he reaches the hospital.

The compelling need is for modern, effective rescue systems to give immediate attention to accident victims—on the spot and while they are being speeded to the hospitals.

We have proven excellent rescue systems in action, saving fighting men injured in battle. First in Korea, and now in Vietnam, the military has shown the speed and effectiveness of helicopter crews, paramedical personnel and com-

munications experts mobilized to save the lives of wounded men.

Few States and communities have drawn upon that experience. In many areas, ambulance crewmen are not even trained in first aid. Ambulances themselves are rarely well-equipped. Communications systems are inadequate, if they exist at all.

*I have directed the Secretaries of Transportation, Health, Education, and Welfare, and Defense to devise a test program to help our States and communities develop effective rescue systems to fit their own needs.*

In a previous message to the Congress this year, I proposed the Occupational Safety and Health Act of 1968, to safeguard 75 million American workers on the job.

Through this Act we can attack the conditions which cause nearly 15,000 deaths and 2.2 million injuries each year.

With these measures, we can move far toward reducing the tragic toll of accidental death and injury in America.

#### PHYSICAL FITNESS

For more than a decade the Federal government has taken a direct interest in improving the physical fitness of Americans.

President Eisenhower, President Kennedy and I have taken steps to encourage our citizens—particularly the young—to pursue the active life.

Through these efforts, boys and girls across America have discovered the joys of exercise and sports competition.

But here—as in our health programs—we must look not only at the progress that has been made, but at the problems that remain.

—In tests of physical strength and stamina, American children still score substantially lower than children in other countries.

—32 million children get less than the recommended physical fitness program in school; seven million get none at all.

—Only 50 percent of all college students meet accepted physical fitness standards.

Physical fitness activities and sports contribute to more than health. They teach self-discipline and teamwork. They offer excitement and a wholesome alternative to idleness. They combat delinquency. They permanently enrich the individual and his society by developing qualities of leadership and fair play.

*To expand opportunities to engage in exercise, active recreation, and sports, I am establishing the President's Council on Physical Fitness and Sports, to be chaired by the Vice President.*

The Council will be a Cabinet-level group, with an Advisory Committee of distinguished citizens, to develop national goals and programs to promote sports and fitness in America.

As a first step, the Council will call a national conference to explore the long-term requirements of physical fitness and sports in the Nation.

#### LEADERSHIP AND EFFICIENT MANAGEMENT

Health expenditures in the United States are now nearly \$50 billion a year. The Federal Government pays \$14 billion of that amount, up from \$5 billion

four years ago to \$16 billion in fiscal 1969.

The expanding Federal programs must be managed efficiently, with the most careful attention to the most urgent needs of the American people. *To that end, I am today directing the Secretary of Health, Education, and Welfare to submit to me a modern plan of organization to achieve the most efficient and economical operation of the health programs of the Federal Government.*

But better organization and leadership will be wasted if we cannot find and hold the quality of people essential for these great tasks.

*I recommend the Health Personnel Act of 1968 to modernize the health personnel system within the Department of Health, Education, and Welfare. This Act will provide:*

- Pay increases and a flexible personnel to attract and retain professionals of the highest caliber.
- A new promotion system based upon quality of performance.

#### MOBILIZATION FOR HEALTH

In our drive toward a healthier America, Federal programs and Federal dollars have an important role to play. But they cannot do the job alone.

An even larger role belongs to State and local government, and to the private enterprise system of our Nation. The medical and hospital associations, the health care institutions, the health insurance industry, the communication media, voluntary civic associations, employers and labor unions, charities and church groups must join this effort. I call upon them to join in a 12-point volunteer effort to build a healthier America:

- (1) To examine every child under the age of five to identify potentially crippling ailments and provide early and effective treatment.
- (2) To use the public airways for public profit by offering regular health programs on television and radio to help every American preserve his cherished birthright of good health.
- (3) To give prominent magazine and newspaper coverage to good health practices for our children and older Americans.
- (4) To identify and reward new approaches by medical societies, group practice organizations and hospitals for delivering better health care at lower cost.
- (5) To expand voluntary health insurance to those not now covered and include services not now included.
- (6) To establish local systems of new incentives to recruit, train, retrain, license and effectively use nurses and medical corpsmen leaving the Armed Services, and other vital members of the health team.
- (7) To make home health care part of the education of every young girl in all the schools of America.
- (8) To encourage the opening of health centers to provide complete care in every community.
- (9) To make physical fitness programs and recreational facilities available to people of all ages and in all walks of life.
- (10) To alert teenagers and their parents to the danger of drug abuse.

(11) To develop better programs for health services for the one-third of the working poor who suffer from chronic illness.

(12) To mobilize a new spirit of public concern and private action to meet and master our health problems.

Great changes have taken place in the financing of medical care in this country. The Federal Government will invest some \$16 billion in the health field in fiscal 1969. We should now expect our Nation's great private resources, through volunteer and cooperative action, to step up their efforts to bring better health to all our citizens.

#### HEALTH CARE FOR ALL AMERICANS

In the medical research laboratories of the world, a quiet revolution is changing the condition of man. Enemies which have held man in hostage throughout history are conquered each year. Hope turns daily to promise, and promise to practical achievement.

But progress cannot be measured in the laboratory alone. Triumph in a test tube is not triumph enough—if it remains there.

Success in a laboratory, however brilliant, is not complete if barriers of poverty, ignorance or prejudice block it from reaching the man who needs it, or the child who wastes away without it.

With the program I have outlined in this message, I believe we can move closer to our goal of decent health care for every American.

This is a program to assure that American medicine will continue to build on its great record, and that its benefits will enrich and improve the life of every citizen.

I urge the Congress to act promptly on this program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, March 4, 1968.

The message was, without objection, referred by the Speaker pro tempore (Mr. ALBERT) to the committee of the Whole House on the State of the Union and ordered to be printed.

#### PRESIDENT'S HEALTH MESSAGE OFFERS IMPROVED MEDICAL CARE FOR ALL AMERICANS

Mr. ALBERT. Mr. Speaker, President Johnson's health message to Congress offers a comprehensive program to assure every American of better health, increased safety, and improved medical care.

In the last 3 years alone, America has taken enormous strides to assure that the miracles of modern medicine are available to all our people. As the Government's investment in a healthier America has more than doubled, new help and hope have been brought to millions of homes.

But we must build upon our achievements, not be satisfied with them—for many serious health problems confront us.

Our infant mortality rate is shockingly high—more than 80,000 babies died last year and thousands more were permanently injured. There are not enough doctors, nurses, and medical workers to meet the crushing demand for medical

care—and we are not training enough people to meet tomorrow's needs. Moreover, the soaring cost of medical and hospital care have become burdensome for virtually every family—and insurmountable for many.

President Johnson's health message offers new proposals and builds on proven programs to reverse these—and other—menaces to our health and welfare.

The President's Child Health Improvement Act of 1968 will help lift our Nation to the top in saving the lives of our children—from 15th—by providing improved maternal care and the best of medical care for infants during their first year.

An imaginative Medical Manpower Act of 1968 will help relieve the shortage of trained medical personnel so that no American need go wanting for proper medical attention.

To reduce skyrocketing medical costs, the Federal Government will lead the way in testing economic incentives to encourage less expensive hospital care and to reduce the exorbitant price of many drugs.

These programs—along with the President's proposals to broaden our medical research, strengthen our partnership for health program, and extend our successful regional medical program—deserve the support of an enlightened nation concerned with its health care.

I am confident they will receive the prompt attention of a concerned Congress anxious to fulfill its trust to the American people.

#### OBSCENE, ABUSIVE, OR HARASSING TELEPHONE CALLS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 375) to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce, as amended.

The Clerk read as follows:

S. 375

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:*

"OBSCENE OR HARASSING TELEPHONE CALLS IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS

"Sec. 223. Whoever—

"(1) in the District of Columbia or in interstate or foreign communication by means of telephone—

"(A) makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

"(B) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

"(2) knowingly permits any telephone under his control to be used for any purpose prohibited by this section, shall be fined not more than \$500 or imprisoned not more than six months, or both."

SEC. 2. Section 3(e) of the Communications Act of 1934 (47 U.S.C. 153(e)) is amended by inserting "(other than section 223 thereof)" immediately after "title II of this Act".

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STAGGERS asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I bring to the House a bill which makes the use of a telephone for the placing of obscene, abusive, or harassing telephone calls across State lines or within the District of Columbia a Federal crime punishable by a fine of not more than \$500 or imprisonment for not more than 6 months, or both.

In the last year 12 States have enacted legislation with respect to obscene, abusive, or harassing telephone calls so that today each of the 50 States have laws on this problem. This bill closes the last legislative gaps with respect to this problem.

The scope of the problem is shown by the fact that for the year 1967, the Bell Telephone System received 641,821 complaints about these calls. And these complaints by no means reflect all of the obscene, abusive, and harassing calls that were made in the United States during 1967. In most instances these calls are wholly intrastate and would be the subject of State or local detection and enforcement.

But the real damage done by these calls is not shown by their great number. Think instead of the person—in many instances a young woman or a child—who answers the telephone only to be met with a tirade of oaths, obscenities, and threats. Or of the person called to the telephone countless times during the day and night only to have the caller hang up when he answers. Or, worse yet, put yourself in the place of a family with a son or husband in Vietnam and think of the grief that is caused by the vicious minds that call and falsely report the death of that son or husband. Where such a death has in fact occurred, there have been cases where calls have been received by the man's family gloating over the death.

But there are effective techniques and devices to detect and bring about the arrest of persons making such calls. Some of them were demonstrated to the committee during hearings on this legislation. Their effectiveness is shown by the fact that there were 358 persons convicted in 1965, 788 persons convicted in 1966, and 1,105 persons convicted in 1967 of making obscene, abusive, or harassing telephone calls.

But enactment of this legislation will not only provide victims of such calls with a remedy, it will also, I am convinced serve as an effective deterrent against the making of such calls. I urge its passage by the House.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SPRINGER asked and was given permission to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, the telephone has been the greatest boon to personal communications to come from our great technological advances of the century. We sometimes wonder how business was conducted before phones were in widespread use. We even wonder how families conducted their own internal affairs without it. To a large degree the realignments of social relationships are based upon the ubiquitous telephone.

Like every other boon to mankind it can be the instrument for unlawful, fraudulent, annoying, and vicious practices. There are people in our society so intent upon hurting fellow humans that they would subvert the uses of the telephone and transform it from a warm tie with family and friends to a demonic instrument of torture. Enough has been said about the details of these practices for abuse, harassment and threats to public officials and private citizens. Frightening and sometimes obscene calls to women and children can create a reign of terror within the very heart of the home, where security and freedom from incursion should be best insured.

Every State in the Union has recognized the necessity to crack down on these vicious offenders and has passed laws to deal with it. In addition, the communications industry has cooperated fully in implementing procedures to discover and prosecute such cases. And this is the very reason for bringing forth S. 375 at this time. The fact is that no Federal law exists to cover those calls which go from State to State.

There is no desire or intention to take over the problems of investigating and prosecuting all cases of improper phone calls by substituting Federal authority for State authority. On the contrary, the purpose of this legislation is to assist and supplement the very fine effort now being made by plugging the one loophole in the nationwide net set to catch violators. That loophole is the interstate call. It is estimated that of the thousands of such calls investigated yearly probably only about 500 may come within the purview of Federal authorities. By passage of this legislation a large increase in these interstate calls may be averted.

It is the feeling of our committee that this legislation will complete the chain of laws necessary to pursue these abuses of the telephone system. Hopefully it will also serve as a deterrent and help inform the public that relief from these practices is available.

I recommend this bill to the House.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. CUNNINGHAM].

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, as was mentioned by the distinguished chairman of the Committee on Interstate and Foreign Commerce, I have intro-

duced a bill dealing with this subject matter. In my opinion, it is important, most important, that the Members of the House realize that we must pass this legislation. This legislation has my full support, because having worked for many years in the writing and sponsorship of a particular piece of legislation having to do with the movement of obscene materials through the mail, which bill finally became law last year, this bill has a relationship with my work against obscenity.

Mr. Speaker, I have in my home over in Virginia, been receiving certain harassing calls, as well as the various members of my family, who have also been receiving these calls. These are harassing telephone calls. It is my opinion that these calls emanate from dealers in smut who are very much up in arms about the fact that this Congress had the courage to pass the particular legislation to which I have earlier made reference. As a result of these harassing calls, we had to install a second telephone in our home over in Virginia with a silent number in order to avoid this harassment of myself, my children, and my wife, which calls we have been receiving.

Mr. Speaker, I have had this personal experience with reference to this legislation. I do not know if any of the other Members of the House have had such experience as I have had. However, this seems to me to be very worthwhile legislation, legislation which, in my opinion, will certainly go a long way toward eliminating this harassment and abuse to which many people throughout the United States have been subjected.

Therefore, Mr. Speaker, I wholeheartedly endorse and support this legislation.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. KORNEGAY], a member of the committee.

(Mr. KORNEGAY asked and was given permission to revise and extend his remarks.)

Mr. KORNEGAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, during the hearings on S. 375, I had the honor of chairing the Subcommittee on Communications and Power before which those hearings were held. I am impressed now as I was then of the need for enacting this legislation. These obscene, abusive, and harassing telephone calls are made in substantial numbers in the United States and average about 58,000 per month. They are the source of untold terror, hardship, and grief to the recipients and their families. But, in addition to their impact upon our civilian population, testimony from the Defense Department indicates that harassing telephone calls are now being used by a perverted few against the families of our servicemen who are serving overseas, particularly in Vietnam.

These harassments have included everything from false reports of the death or injury, to threats, demands for money for the Vietcong, and gloating comment on the actual death in combat of servicemen. For example, a bereaved widow of an Army sergeant killed by enemy fire in Vietnam received an anonymous call advising her that her "husband had got

what was coming to him." A telephone call to the wife of an Air Force sergeant stationed in Vietnam said, "I know your husband is in Vietnam and deserves everything he gets. Before he can come home you will be a widow."

Mr. Speaker, 50 States have enacted laws against obscene, abusive and harassing telephone calls. The time is overdue when the Congress should enact this legislation to outlaw such calls in the District of Columbia and in the channels of commerce between the several States.

Mr. MACHEN. Mr. Speaker, it is a pleasure for me to rise and lend my support to the bill we are now considering. This bill makes the use of a telephone—or the granting of such use—for the purpose of obscene, abusive, or harassing telephone calls across State lines or within the District of Columbia a Federal crime punishable by a fine of not more than \$500 or imprisonment for not more than 6 months, or both. I believe this legislation is much needed.

Since its invention, the telephone has been the source of many and great benefits to the American people. But recently its use has been perverted by some to make it an instrument for inflicting incalculable fear, abuse, annoyance, hardship, disgust, and grief on innocent victims, who, in many instances, are young women and children. It is hard to imagine the terror caused to an innocent person when she answers the telephone, perhaps late at night, to hear nothing but a tirade of threats, curses, and obscenities, or equally frightening, to hear only heavy breathing.

On the other hand, it is easy to sympathize with the anger and uneasiness that develops in persons whose telephones ring repeatedly at various times in the day and night only to have the calling party hang up when the phone is answered.

Even more vicious and cowardly is the practice of calling families of men serving in Vietnam and falsely reporting the serviceman's death, or, if death has in fact occurred, of gloating over it.

These are some of the ways the telephone has been turned into a weapon of cowardice.

The magnitude of the overall problem is readily shown by statistics. Beginning with February 1966, the Bell Telephone System has been filing a monthly report with the Federal Communications Commission setting forth the number of complaints received by the Bell System from its subscribers because of telephone calls received which were of an obscene, harassing, or threatening nature, or which caused interference. In the 11 months of 1966 for which reports were made, there were 568,774 such complaints. For the year 1967 there were 641,821 such complaints.

In considering these statistics, it should be remembered that since approximately 80 percent of the telephones in the United States are serviced by the Bell Telephone System they would have to be increased by about 25 percent to reflect all such complaints in the United States. Furthermore, many persons receive such calls but fail to complain. One reason for such failure is that many of these per-

sons are unaware that techniques and equipment have been developed to identify the persons making such calls.

These techniques and equipment have been effective in bringing about the apprehension and conviction of persons making obscene, abusive, or harassing telephone calls. Two were demonstrated in the course of the hearings on this legislation. Still others are available but were not demonstrated because widespread knowledge of them would limit their effectiveness. The effectiveness of these techniques and of this equipment is in part responsible for the fact that in the areas served by the Bell Telephone System there were 358 persons convicted in 1965; 788 persons convicted in 1966; and 1,105 persons convicted in 1967 of making telephone calls which were obscene, harassing or threatening or caused interference. It should be noted that none of these techniques requires monitoring the content of conversations on the calling or called person's line.

Since S. 375 was passed by the Senate in April 1967, the 12 States not having laws dealing with the problem of obscene, abusive, or harassing telephone calls at that time have enacted such laws. Today each of the 50 States has legislation dealing with this problem. This fact has also contributed to the increased number of convictions.

The fact that all the States today have such legislation is even more reason for passage of the bill. It would be ironic, if because of failure to enact this legislation, the risk of conviction for making obscene, abusive, or harassing telephone calls across State lines was less than the risk from making such calls intrastate. Therefore, I urge all my colleagues to join with me in supporting this bill.

Mr. HANLEY. Mr. Speaker, I want to take a minute to commend my colleagues on the Commerce Committee for their diligent efforts to put clamps on those depraved minds whose callous disregard for human feelings has caused so much tragedy in our society.

It is unfortunate that in a free society the Congress is compelled to move in this direction, but the magnitude of the problem and agony it has caused and indeed causes, while we are debating, leave no alternative course open.

I support the proposal before us today and urge my colleagues to pass this legislation.

Mr. Speaker, I enter into the RECORD, at this point, an editorial which appeared in the Syracuse Post Standard. The editorial places this extraordinary nuisance in proper perspective. I commend it to my colleagues' attention:

#### CRANK CALLS LAW

A House Commerce subcommittee is conducting hearings on a proposal that would make it a federal crime to make obscene, abusive or harassing telephone calls.

The Bell Telephone Company is reported to have received 46,000 complaints concerning such calls in one month.

Anonymous calls of this nature apparently are increasing. Detection of the morons who make them is difficult. They range from obscenities to threats, and the parents of men serving in Vietnam often are targets of these callers.

In one case a father was told his son had been killed in the war, and in another the

mother of a boy who died in combat was gloatingly reminded of her tragedy.

Many people have had the experience of answering the phone only to hear nothing but heavy breathing on the other end of the line.

If a federal law is needed to curb these anonymous calls let's have one. Tough penalties will be required to discourage the sick-minded individuals who engage in this ridiculous pastime.

Mr. VAN DEERLIN. Mr. Speaker, S. 375 would be a powerful deterrent to those twisted individuals who derive pleasure by placing hateful telephone calls.

Every State now has statutes for dealing with intrastate calls of this nature. But the only interstate communications now punishable under Federal law are those containing a specific threat of physical injury. There is no provision at all in the United States Code for punishing the far more numerous obscene, abusive and harassing calls.

Obviously the bill before us today would not in itself eliminate this problem. It would, however, close a distinct gap in our communications law and give law enforcement officers at all levels of government a valuable new tool for prosecuting offenders.

In addition, would-be offenders might think twice before placing an abusive call, if they knew the Federal Government were at least as committed as the separate States to protecting the public against this offense.

As matters now stand, no one is safe from the cruel and subtle attacks which can so easily be made by telephone.

Statistics compiled by the Bell Telephone Companies indicate that the number of abusive calls rose about 13 percent last year. In my own congressional district, hundreds of these calls are placed every month. The practice of tormenting the families of men serving in Vietnam has become widespread enough to enlist the full support of the Defense Department for S. 375.

As a cosponsor of this legislation, I believe we have an obligation to do something about the telephonic ordeals to which so many of our constituents are being subjected.

The telephone is one of our most valuable instruments for communication. Let us do what must be done to stop those who would pervert its use—by giving overwhelming approval to S. 375.

Mr. GALLAGHER. Mr. Speaker, we have an opportunity today to complete a legislative task which has been pending now for almost 3 years. We have the opportunity to give a measure of peace and security to the citizens of this country—and particularly the women of America—who depend on and use the telephone.

On August 15, 1965, I first introduced legislation to raise the penalties for obscene and harassing telephone calls made within the District of Columbia. The available criminal penalties at that time and now are sadly inadequate to cope with the rising numbers of obscene calls received by the thousands of women who live in the District. Since the time of my first bill, it has become known that there is a need to strengthen penalties for obscene and harassing phone calls placed



into interstate commerce. I first introduced the bill we are considering today, which covers both interstate calls and those made within the District, on May 18, 1966.

The fright and disgust that a woman alone in her house or apartment experiences when she receives one of these calls can scarcely be imagined by most of us. There is a very real and pressing need for strong penalties to prosecute these callers, and by such active prosecution act as a deterrent to future callers. The bill we consider today would increase the maximum penalty to 6 months in jail and/or a \$500 fine for obscene calls made in interstate commerce or within the District of Columbia.

Mr. Speaker, the telephone companies have refined the technology for tracking down obscene telephone callers to a point that allows almost certain capture in many cases. These ingenious devices, combined with stricter penalties, will act as an effective discouragement against obscene phone callers.

There is, Mr. Speaker, one aspect of this problem which I feel should be included in this bill and I intend to propose such an amendment by subsequent legislation. Many, if not most, of these callers are driven to their perverted acts by a sick mind, and a jail sentence or fine does not get to the root causes of this offense against society. I will propose that the judge at his discretion be allowed to direct mental treatment in place of a jail sentence for the case involving a caller with a mental disturbance.

When an individual contracts to have a telephone installed he or she does not consent to intrusion by any type of call. Certainly, the telephone user cannot expect to be completely free from a wrong number in the middle of the night, a solicitor in the middle of dinner or a friend's call in the middle of the night, but just as certainly we have an in-evasive responsibility to protect the telephone subscriber from malicious and intentional obscene and harassing calls. It is aimed these calls that this legislation is aimed.

Another facet of this problem has recently raised its ugly head. Many wives and loved ones of servicemen in Vietnam have been subjected to the most vile and filthy telephone calls from antiwar types who would have us believe they are sincere in their search for peace. Many families have received false reports of death or injury of relatives in Vietnam. Many wives and mothers, after having gotten official notification of the death of a husband or son, have been shocked by a telephone call during which the caller openly gloats over the death and says something to the effect that "he got what he deserved." Mr. Speaker, we should make it crystal clear in the debate today that these penalties are aimed and directed at this kind of call and I would hope that the Justice Department will track these callers down and prosecute them to the fullest degree.

The telephone is designed as an instrument of use and benefit, yet some are perverting it into an instrument of fear, disgust, and annoyance. The individual States have acted in one degree or an-

other to halt the growing numbers of these obscene and harassing calls. By this bill the Federal Government can contribute to this effort and, hopefully, the future will see a rapid decrease in the numbers of such calls.

I am confident that with the enactment of this legislation combined with the efforts of the telephone industry and the active concern of the citizens of this Nation, the threat of the obscene phone call will be greatly reduced. I urge unanimous approval of this bill today.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I take this opportunity to state my wholehearted support for S. 375, a bill to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate and foreign commerce.

Hearings were held on this legislation on January 30, 1968, before the Subcommittee on Communications and Power of which I have the honor to serve as chairman. Members of Congress and other witnesses who testified before the subcommittee were unanimous in their support of this legislation.

This legislation will make it a crime to use a telephone, or permit its use, for making obscene, abusive, or harassing telephone calls in interstate commerce or within the District of Columbia. The penalty for such use will be a fine of not more than \$500 or imprisonment for not more than 6 months, or both.

The telephone, despite its many benefits in our daily business and personal lives, unfortunately provides a ready cloak of anonymity to the sort of person who somehow derives satisfaction or pleasure from tormenting others. This cloak has been used by such people in various ways. The telephone may ring at any hour of the day or night, to produce only a dead line when answered. Sometimes the caller will merely breathe heavily and then hang up. Sometimes he will utter oaths, threats, or obscenities.

Recently, a new and most offensive form of harassment has been devised. Families of servicemen are called and given false reports of death or injury, or even, hard as it is to believe, are gloatingly reminded of the death of a son or husband in the service.

The magnitude of the problem is shocking. The Bell Telephone System which serves approximately 80 percent of the Nation's telephones, began keeping statistics on such calls beginning with February 1966. For the 11 months of 1966 there were 568,774 complaints about such calls, and for 1967 there were 641,821 such complaints filed with the Bell Telephone System.

Today, each of the 50 States has enacted legislation on this problem. By enacting this legislation with respect to obscene, abusive, or harassing calls in interstate commerce and within the District of Columbia we are plugging the last legislative gaps.

Mr. Speaker, in plugging these gaps we are not only providing a remedy for the victims of such calls, we are also creating an effective deterrent against the continuation of this foul and cowardly practice.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the bill, S. 375, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed, S. 375.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

#### PERSONAL EXPLANATION

Mr. PODELL. Mr. Speaker, on rollcall No. 43 I was unavoidably detained, and missed the rollcall. Had I been present, I would have voted "yea."

#### IN PRAISE OF THE CENSUS OF AGRICULTURE

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, a number of bills have been introduced during this session seeking to impose limitations on the functions of the Bureau of the Census, which has aptly been termed "factfinder for the Nation." No one is in greater accord than I with the usually avowed purpose of most of these bills to prevent "invasion of privacy" and to protect the individual, the family, the farmer, and the businessman against the unwarranted intrusions of the much-maligned bureaucrats. But, there is a great deal that needs to be said about the effects of these bills on vital governmental and nongovernmental programs. In the near future, I shall seek permission to speak at length on the subject.

For the present, I am immediately and deeply concerned with recently introduced bills, well intentioned though they may be, which, for all practical purposes, would eliminate the census of agriculture. These bills would make it impossible for the Bureau of the Census to provide even a count of farms, since the acreage and value of products sold are necessary criteria in the definition of a farm, and they would prohibit collecting such information.

Questions relating to agriculture appeared for the first time in the 1840 census. Subsequently, agriculture schedules, sometimes in extensive detail, were included in each decennial census under authority of legislation. Legislation enacted in connection with the fourteenth Decennial Census additionally provided for a census of agriculture to be taken in 1925 and every 10 years thereafter. There is an extensive legislative history which demonstrates the need for and the use-

fulness of agricultural statistics obtained by the Bureau of the Census.

I am afraid some of my colleagues have been misled when they state that the information which the Bureau is asking is already available to those agencies that serve the farmer. I know that the Bureau of the Census is most careful in avoiding the collection of data which are already available from other sources. It is these very agencies which have placed the most pressure on the Census Bureau to expand the agriculture census. The Department of Agriculture was a major participant with the Bureau in developing the plans for this census. The very agencies mentioned by critics of census, namely the Economic Research Service and the Statistical Reporting Service, would feel most severely hampered in their programs if they did not have the census as a reference point. They use the resulting statistics as benchmark data in preparing their annual estimates. Classifications of agriculture by size of farm, tenure, class, and type of farm, so essential in developing programs and in future planning are not available from any other source. Nowhere else can one find extensive detail at the county level which, is of increasing importance in area planning.

The increasing participation of conglomerate corporations; the changing structure of agricultural operations, with ever greater use of capital investment; innovations in farming techniques; the greater use of improved seeds; specialized breeds of livestock and poultry; as well as other changes are factors which dictate the need for adequate agricultural statistics to meet the requirements for effective planning in both the Government and the private sectors. Should we now retreat from excellence? Can we afford to dismember what the President in his economic message termed the best system of statistics in any government in the world? Rather, let us aim to improve it.

I can assure you that the personnel of the Bureau are not interested in whether my shower is shared with another family or in how many head of cattle the President has on his ranch. Statistical data can be compiled only from the reports of individuals. They are the end product which meet many and varied needs. The Congress has assigned to the Bureau the responsibility for maintaining the confidentiality of the information which is obtained and the Bureau is most zealous in meeting this responsibility.

The occasional reluctance of the farmer to reveal details of his operations to the enumerator—in many instances a neighbor from down the road, who, when hired as a census employee was required to take an oath not to reveal any of the information obtained—has been a factor in the Bureau's plan to use a mail procedure for the 1969 Census of Agriculture. I am informed that some of the respondents in a current pretest have noted on the questionnaire which they mailed back to the Bureau that they approve this proposed change in procedure.

It has been my intention to indicate briefly some factors which should be considered with regard to abolishing the census of Agriculture. I am against unwarranted intrusion, by professionals or others. I do not believe that the farmer should be required to hire an accountant, surveyor, or marketing expert to fill out his census forms. It may be that the Bureau should revise its forms to make them simpler. I understand that continuing efforts are made in that direction. We should encourage such efforts. We should not, unwittingly, do away with a major tool for needed economic planning.

#### GUIDELINES FOR A VIETNAM SETTLEMENT

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, this morning 18 Members of the House issued a joint statement outlining what we considered should be the basic guidelines for a negotiated settlement of the Vietnam conflict. The statement and the list of the 18 Members who joined in it are as follows:

##### JOINT STATEMENT

The undersigned Members of the House of Representatives are deeply disturbed by the present course of events in Vietnam. We are convinced that the conflict cannot be ended in the near future by military means. At the same time, we oppose unilateral withdrawal or any action inconsistent with U.S. national interests.

While the undersigned hold different opinions as to the best method of achieving a solution to the conflict, we are agreed that more imaginative and intensive efforts should now be made to get negotiations started and that the passage of time, with steadily mounting casualties on both sides, will only make less likely a solution by negotiated settlement.

President Johnson has on many occasions stated that among our objectives is true self-determination for the South Vietnamese.

We believe a long step forward would be taken if the U.S. were to give greater emphasis to our declarations about self-determination by making explicit the kind of honorable and just settlement that we would accept consistent with our aims. We have never done this. We have only kept repeating a kind of first position, which would give the NLF no role whatever in South Vietnam and therefore could not possibly be within the negotiable area for them. It seems obvious that some bold and imaginative new moves are called for.

Therefore, we have undertaken to set forth below seven points which in our view could be put forward by the U.S. government as consistent with announced U.S. objectives, which could command world-wide approval, and ought to be acceptable to Hanoi and the NLF.

In our view these basic principles for a peaceful settlement in Vietnam would include the following:

(1) The people of South Vietnam, including the NLF, should be given the opportunity to determine their own political future through free and fair elections in which all parties would be free to participate.

(2) For a period preceding such elections, a general cease-fire, supervised by an appropriate international body, banning military operations and terrorist acts, would

have to be in effect and be effective. During this period, mutually acceptable interim governmental arrangements (both in areas previously controlled by Saigon and in areas previously controlled by the Viet Cong) must be provided.

(3) Overall supervision of the arrangements for the elections, including campaigning, and of the conduct of the elections would have to be provided by a mutually acceptable body. Probably, this body would be of an international character, but it might instead be a Vietnamese Joint Commission or a combination of the two. The elections would have to be free from any external interference or internal terrorism.

(4) To the extent necessary to comply with the foregoing, the 1967 Constitution would have to be modified, or perhaps replaced, pursuant to agreed procedures.

(5) Subsequent to these elections, all foreign troops would be gradually withdrawn from South Vietnam on a mutually agreed, reciprocal and phased basis which would assure no possible advantage to one side over the other.

(6) International guarantees and arrangements should be provided to assure that the results of the elections not be overturned by renewed outside interference or by a coup of the right or the left.

(7) The question of future relations between North and South Vietnam, including the possibility of reunification, would be left for future discussion and negotiation, primarily between the government of North Vietnam and the new government of South Vietnam.

Obviously, there will be many difficult questions to be resolved concerning the application of these principles and the method and timing of putting them into effect.

Within the scope of each principle, there would be various alternatives. For example, the elections referred to could be for a constituent assembly to draw up a new constitution, or for the election of a new government under the 1967 Constitution appropriately modified, or conceivably on some sort of referendum. (Constitutional safeguards to prevent undue control by a monolithic minority, as well as to protect minority rights, would have to be devised and accepted, perhaps through some form of proportional representation in the elected government.)

As another example, the international body which it is expected would be needed to supervise the cease-fire and the pre-elections arrangements and the elections themselves might be (a) the U.N. (which has had much experience in supervising elections), (b) a beefed-up International Control Commission, or (c) a new body created by agreement for the purpose.

One of the most difficult problems would be the establishment of mutually acceptable interim governmental arrangements during the pre-election and election period. The NLF and Hanoi would be highly skeptical of any arrangements which would leave the Saigon government in all the key positions of power; similarly Saigon (and the U.S.) would be properly unwilling to accept voting results from Viet Cong controlled areas if the V. C. had remained in effective control. One approach to the problem might be through a form of international trusteeship, comparable to the United Nations administration of West New Guinea during the period after the departure of the Dutch and before Indonesia assumed control.

Another exceedingly difficult problem would be to devise the nature of the international guarantees to prevent frustration of the will of the electorate by violence.

But these are all matters that could be worked out at the negotiating table, if the parties concerned, including the present government of South Vietnam, Hanoi and the NLF and other Vietnamese groups in-